

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DUANE CARL WINQUIST,  
JOANNE SANTORO, and  
FLOOR COVERING COVERINGS PLUS, INC.,

Plaintiffs,

v.

Case No. 15-13234  
HON. TERRENCE G. BERG  
HON. DAVID R. GRAND

MACOMB COUNTY SHERIFF MACE UNIT,  
DEPUTY PAMELA MCLEAN,  
DEPUTY CHRISTIAN KOHLMAYER,  
DEPUTY CHRISTOPHER FRAZER,  
DEPUTY NANCY LEPAGE, and  
DEPUTY SCOTT JONES,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 27)**

This matter is before the Court on Magistrate Judge David R. Grand's June 20, 2016 Report and Recommendation (Dkt. 27), recommending that Defendants' motion to dismiss (Dkt. 27) be **GRANTED**.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither

party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). After carefully reviewing the record and the Magistrate's Report and Recommendation, the Court accepts the Magistrate's Report and Recommendation of June 20, 2016 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of June 20, 2016 (Dkt. 27) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants' motion to dismiss (Dkt. 12) is **GRANTED**.

**SO ORDERED.**

Dated: July 18, 2016

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

### **Certificate of Service**

I hereby certify that this Order was electronically submitted on July 18, 2016, using the CM/ECF system a copy of this Order was also mailed to the Marquette Branch Prison, 1960 U.S. Hwy 41 South, Marquette, MI 49855 directed to Plaintiff's attention.

s/A. Chubb  
Case Manager